

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) **Notice of Motion for Relief**
) **from Automatic Stay in a**
 Debtor(s)) **Chapter 11/12 Case,**
) **and Notice of Hearing Thereon**

YOU ARE NOTIFIED THAT:

1. A motion was filed by _____ for relief from the automatic stay protecting the debtor(s) and debtor's property, as provided by 11 U.S.C. § 362.
2. The name and address of the moving party's attorney (or moving party, if no attorney) are:
3. If you wish to resist the motion you must, within 14 days of the service date shown below, file a written response with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401. If the response is served in paper, you must also file a certificate showing the response has been served on the moving party's attorney.
4. A response must state the facts upon which relief from the automatic stay is resisted. See [Local Bankruptcy Form \(LBF\) 720.50, Procedures re: Relief from Stay](#), for details.
5. If you file a timely response, a hearing on the motion will be held as follows:

Date: _____

Time: _____

Location: Courtroom # _____, _____

Telephone Hearing [**NOTE:** See [LBF 888](#), Telephone Hearing Requirements]

Call-In Number: (888) 684-8852

Access Code: 5870400 for Judge David W. Hercher (dwh)
1238244 for Judge Peter C. McKittrick (pcm)
4950985 for Judge Teresa H. Pearson (thp)
3388495 for Judge Thomas M. Renn (tmr)
Other _____

No testimony will be taken at the hearing. If no timely response is filed, the hearing may be cancelled. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the response deadline has passed.

6. If a timely response is not filed, then either:

- a. The court may sign an order without further notice, submitted by the moving party, granting relief from the stay; or
- b. The stay will expire under the terms of 11 U.S.C. § 362(e).

I certify that on _____ (1) this notice, (2) [LBF 720.50](#) if this notice was served on paper, (3) [LBF 888](#) if this notice was served on paper and a telephone hearing will be held, and (4) the motion, were served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 4001 and FRBP 7004 on the debtor(s), U.S. Trustee, trustee, members of any committee appointed pursuant to 11 U.S.C. § 1102 or its authorized agent [or, if no committee, on all creditors included on the list filed pursuant to FRBP 1007(d)], and their respective attorneys.

Signature of Moving Party or Attorney

Russell D. Garrett, OSB #882111
russell.garrett@jordanramis.com
Daniel L. Steinberg, OSB #993690
daniel.steinberg@jordanramis.com
JORDAN RAMIS PC
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070
Facsimile: (503) 598-7373

Attorneys for Creditors, Interested Parties, and
Co-Tenants Lillian Logan, Cornell Rd LLC,
Christiana LLC and Alexander LLC

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

15005 NW Cornell LLC and
Vahan M. Dinihanian, Jr.,

Debtors.

Bankruptcy Case Nos.

Case No. 19-31883-dwh11 (Lead Case)

19-31886-dwh11

Jointly Administered Under Case No. 19-
31883-dwh11

EMERGENCY MOTION FOR RELIEF
FROM AUTOMATIC STAY OF
CREDITORS, INTERESTED PARTIES
AND CO-TENANTS LILLIAN LOGAN,
CORNELL RD LLC, CHRISTIANA LLC,
AND ALEXANDER LLC

EXPEDITED CONSIDERATION
REQUESTED

Creditors, Interested Parties, and Co-Owners, Lillian Logan, Cornell Rd LLC, Christiana LLC, and Alexander LLC (collectively the "Logan Parties"), by and through their attorneys, move pursuant to 11 U.S.C. §362(f) and Bankruptcy Rule 4001 for an Emergency Order Granting Relief from the Automatic Stay to the allow the Logan Parties to access portions of the property which the Debtors have made inaccessible and to allow the Logan Parties to contract with a new

Page 1 – EMERGENCY MOTION FOR RELIEF FROM
AUTOMATIC STAY OF CREDITORS,
INTERESTED PARTIES AND CO-TENANTS
LILLIAN LOGAN, CORNELL RD LLC,
CHRISTIANA LLC, AND ALEXANDER LLC

JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373

53110-77700 4865-9311-1042.1

service provider for security services on the real property located at 15005, NW Cornell Rd., Beaverton, Oregon (the “Property”) so that essential systems can be repaired and all of the co-owners can access the Property. This motion is supported by the Declarations of Daniel Steinberg and Lillian Logan filed herewith.

BACKGROUND

As the Court knows, the Logan Parties and Debtor 15005 NW Cornell Rd LLC (the “15005 LLC”) are co-owners of the Property. *Logan Decl.*, ¶ 1. There are a number of buildings located on the Property, including warehouses and an office space. *Id.* The office is a shared space used by both Debtor Vahan Dinihanian, Jr. and the Logan Parties for various business matters. *Id.*

Every year, beginning in early November, Logan Tree Farms (“LTF”)¹ begins set-up for a business which sells holly which is grown on the Property by Dinihanian Floral Products, Inc., (“DFPI”)² and Christmas trees (the “Christmas Tree Operation”). *Id.* at ¶ 2. LTF buys holly grown and harvested on the Property from DFPI. *Id.* The business is essential for not only the Logan Parties, but also for the Property to maintain its “farm deferral” designation for property tax purposes. *Id.* at ¶ 3. Given the size of the Property and the isolated nature of the buildings, the co-owners of the Property have relied on First Response to provide security services at the Property. *Id.* at ¶ 1. These security services include motion sensors, alarm systems, and digital key pads that allow access to the buildings, including the warehouses and the office. *Id.*

¹ LTF is owned and operated by Lillian Logan and her family.

² DFPI is owned 50% by Vahan Dinihanian Jr. (also DFPI’s President) and 50% by Lillian Logan (DFPI’s Vice-President).

Traditionally, First Response has taken instructions from both Vahan Dinihanian, Jr. and Lillian Logan regarding repairs, updates, and entry codes. *Id.* at ¶ 2. However, only the Ms. Logan, as an officer of DFPI, is responsible for paying First Response's invoices. *Id.* at ¶ 1.

On November 3, 2021, Lillian Logan went to the Property to access the warehouses and the office to begin set up of the Christmas Tree Operation. *Id.* at ¶ 2. She was shocked to find that upon using her code to access the office an alarm began sounding and the code was shown as invalid. *Id.* Ms. Logan immediately called First Response and was told that, notwithstanding the history of taking instructions from both her and Vahan Dinihanian, Jr., Mr. Dinihanian had instructed them to no longer accept instructions from Ms. Logan. *Id.* Additionally, she was informed that Mr. Dinihanian had instructed First Response to change the access codes to the Property. *Id.* at Exhibit 1.

Ms. Logan also found that one of the keypads necessary for her employees to gain access to the East warehouse had been disabled. *Id.* at ¶ 3. First Response would not follow her instructions to reactivate or repair the keypad. *Id.* Access to these portions of the Property is allowed under the Tenancy In Common Agreement and is necessary for the LTF to begin set up of the Christmas Tree Operation. *Id.* ¶ 4. Failure to have immediate access to the various portions of the Property, especially the warehouses and office, is essential to maintain the timeline of opening the Christmas Tree Operation on November 26, 2021. *Id.* If the LTF is not allowed to access the Property and prepare for the Christmas Tree Operation on time, the Property could lose its farm deferral status for property tax purposes which would cause a significant economic impact not only to the Logan Parties, but also the Debtors. *Id.* at ¶ 3.

On November 4, 2021, the Logan Parties' attorneys reached out to the Debtors' attorneys to resolve the matter. *See Steinberg Decl.*, Ex. 1. Despite assurances that the matter had been resolved, when Ms. Logan again attempted to coordinate with First Response for repair of the keypads and access codes to the Property, she was told Mr. Dinihanian had not authorized it. *Logan Decl.*, at ¶ 5.

On November 8, 2021, the Debtors, through their attorneys, stated again that the issue had been resolved. *Steinberg Decl.*, ¶2 Despite Debtors' assurances, when Ms. Logan again contacted First Response on November 8, 2021, she was still not allowed to request repairs or access codes and First Response still refuses to accept instructions from Ms. Logan. *Logan Dec.* . *Id.* at ¶ 5.

ARGUMENT

Relief from the automatic stay is requested because one, if not both, of the Debtors, may be liable under a contract with First Response. Despite requests, the Logan Parties have not been able to obtain that contract.

The termination of First Response could cause post-petition debt to accrue for the Debtors. Thus, out of an abundance of caution, the Logan Parties are moving for an order granting the following relief:

1. Allowing the Logan Parties as co-owners of the Property to directly request First Response remove its security equipment on the Property;
2. If First Response is unwilling to remove that equipment, to have a third-party remove the security systems put in place by First Response;
3. To allow the Logan Parties to coordinate with a new security company to provide security services at the Property with a contract designating both Lillian Logan and Vahan Dinihanian, Jr. as

authorized persons to request repairs, information, and otherwise coordinate with the new security company, but designating Ms. Logan as the only person authorized to cancel such services; and

4. Authorizing the Logan Parties to take the necessary steps to gain access to the historically jointly used East and West warehouses and business office necessary for LTF to prepare for and run the Christmas Tree Operation.

The Logan Parties are asking for this Order to be entered on short notice or without notice due to the exigent circumstances here. If the Logan Parties are not granted immediate relief from the automatic stay and able to access the warehouses and business office, the Christmas Tree Operation will not occur, DFPI will be unable to sell the holly farmed and harvested on the Property and, in addition to LTF and DFPI losing income, all of the co-owners face the possibility of losing the farm deferral designation of the Property for real property tax purposes. *See Logan Decl.*, ¶ 3.

The Code provides for such emergency relief under 11 U.S.C. §362(f);

"Upon request of a party in interest, the Court, with or without a hearing, shall grant such relief from the stay provided under subsection (a) of this section as is necessary to prevent irreparable damage to the interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (d) or (e) of this section."

Here, the Logan Parties need immediate access to these facilities to allow for LTF to acquire, manage and store inventory, set up, and planning for the Christmas Tree Operation. *See Logan Decl.*, ¶ 4. The delays already caused by the Debtors' actions are going to cause a ripple effect which will impact the business and possibly the advantageous farm deferral property-tax designation of the Property.

Bankruptcy Rule 4001 further provides that *ex parte* relief from the automatic stay may be granted. Here, the Logan Parties have requested that the Debtors contact First Response and

resolve the issue short of court action. *See Steinberg Decl.*, ¶ 2. That has not occurred. The

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AUTOMATIC STAY OF CREDITORS,
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JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373

53110-77700 4865-9311-1042.1

Debtors are on notice of the exigency of this issue and, despite that knowledge, refuse to allow the co-owners of the Property to have reasonable access to the co-owned buildings on that Property.

CONCLUSION

For the foregoing reasons, the Logan Parties should be granted the Order sought in this Motion *ex parte*, or on shortened notice.

DATED this 8th day of November, 2021.

JORDAN RAMIS PC

By: /s/Daniel L. Steinberg
Russell D. Garrett, OSB #882111
Daniel L. Steinberg, OSB #993690
Attorneys for Creditors and Interested Parties
Lillian Logan, Cornell Rd LLC, Christiana LLC
and Alexander LLC

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

15005 NW Cornell LLC and
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Bankruptcy Case Nos.

Case No. 19-31883-dwh11 (Lead Case)

19-31886-dwh11

Jointly Administered Under Case No. 19-
31883-dwh11

ORDER GRANTING CREDITORS,
INTERESTED PARTIES AND CO-
TENANTS LILLIAN LOGAN,
CORNELL RD LLC, CHRISTIANA LLC,
AND ALEXANDER LLC'S
EMERGENCY MOTION FOR RELIEF
FROM THE AUTOMATIC STAY
UNDER U.S.C. §362(f) AND
BANKRUPT

THIS MATTER having come before the Court on Creditors, Interested Parties, and Co-Owners, Lillian Logan, Cornell Rd LLC, Christiana LLC, and Alexander LLC's (collectively the "Logan Parties") Motion for Relief from Stay pursuant to 11 U.S.C. §362(f) and Bankruptcy Rule 4001. The Court having reviewed the motion, and being otherwise duly advised, now, therefore,

IT IS HEREBY ORDERED as follows:

Creditors, Interested Parties, and Co-Owners, Lillian Logan, Cornell Rd LLC, Christiana LLC, and Alexander LLC's (collectively the "Logan Parties") Motion for Relief from Stay

Exhibit 1
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Page 1 – ORDER GRANTING CREDITORS,
INTERESTED PARTIES AND CO-TENANTS
LILLIAN LOGAN, CORNELL RD LLC,
CHRISTIANA LLC, AND ALEXANDER LLC'S
EMERGENCY MOTION FOR RELIEF FROM
THE AUTOMATIC STAY UNDER U.S.C. §362(f)

JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373

53110-77700 4875-3067-1106.1

pursuant to 11 U.S.C. §362(f) and Bankruptcy Rule 4001 is hereby granted. The bankruptcy stay shall be lifted so that the Logan Parties can:

1. Request First Response remove its security equipment on the Property;
2. If First Response is unwilling to remove that equipment, to have a third-party remove the security systems put in place by First Response;
3. Coordinate with a new security company to provide security services at the Property with a contract designating both Lillian Logan and Vahan Dinihanian, Jr. as authorized persons to request repairs, request information, and otherwise coordinate with the new security company, but designating Ms. Logan as the only person authorized to cancel such services; and
4. Take such necessary steps to allow employee access to the East and West warehouses and business office necessary.

The fourteen (14) day waiting period set forth in Fed. R. Bankr. P. 4001(a)(3) shall not apply and this order shall go into immediate effect.

###

I certify that I have complied with the requirements of LBR 9021-1-(a).

Exhibit 1
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Page 2 – ORDER GRANTING CREDITORS,
INTERESTED PARTIES AND CO-TENANTS
LILLIAN LOGAN, CORNELL RD LLC,
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EMERGENCY MOTION FOR RELIEF FROM
THE AUTOMATIC STAY UNDER U.S.C. §362(f)

JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373

53110-77700 4875-3067-1106.1

Presented by:

JORDAN RAMIS PC

By: /s/Daniel L. Steinberg
Russell D. Garrett, OSB #882111
Daniel L. Steinberg, OSB #993690
Attorneys for Creditors, Interested Parties and Co-Tenants Lillian Logan, Cornell Rd LLC, Christiana LLC and Alexander LLC

Exhibit 1
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Page 3 – ORDER GRANTING CREDITORS,
INTERESTED PARTIES AND CO-TENANTS
LILLIAN LOGAN, CORNELL RD LLC,
CHRISTIANA LLC, AND ALEXANDER LLC'S
EMERGENCY MOTION FOR RELIEF FROM
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JORDAN RAMIS PC
Attorneys at Law
Two Centerpointe Dr., 6th Floor
Lake Oswego, Oregon 97035
Telephone: (503) 598-7070 Fax: (503) 598-7373

53110-77700 4875-3067-1106.1

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I served a true and correct copy of the foregoing EMERGENCY MOTION FOR RELIEF FROM AUTOMATIC STAY OF CREDITORS, INTERESTED PARTIES AND CO-TENANTS LILLIAN LOGAN, CORNELL RD LLC, CHRISTIANA LLC, AND ALEXANDER LLC on:

VIA ECF:

Nicholas J. Henderson
Motschenbacher & Blattner, LLP
117 SW Taylor Street, Suite 300
Portland, OR 97204
Tel: (503) 417-0500
Email: nhenderson@portlaw.com
Attorneys for Debtor and Debtor-in-Possession Vahan M. Dinihanian, Jr.

Douglas R. Pahl
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128
Tel: (503) 727-2000
Email: dpahl@perkinscoie.com
Attorneys for Debtor and Debtor-in-Possession 15005 NW Cornell LLC

U.S. Trustee
US Trustee, Portland
620 SW Main Street, #213
Portland, OR 97205
Tel: (503) 326-4000

Stephen P Arnot
DOJ-UST
620 SW Main Street, Suite 213
Portland, OR 97205
Tel: (503) 326-4004
Email: steve.arnot@usdoj.gov
Attorney for U.S. Trustee

Eleanor A. DuBay
Tomasi Salyer Martin
121 SW Morrison Street, Suite 1850
Portland, OR 97204
Attorneys for Interested Party Tasha L. Teherani-Ami

DATED: November 8, 2021.

/s/Daniel L. Steinberg

Russell D. Garrett, OSB #882111
russell.garrett@jordanramis.com
Daniel L. Steinberg, OSB #993690
daniel.steinberg@jordanramis.com
Attorneys for Creditors, Interested Parties and
Co-Tenants Lillian Logan, Cornell Rd LLC,
Christiana LLC and Alexander LLC